

The Washington Post

Bill Attempts to Head Off Conflicts in Probes

Inspector General Would Be Allowed to Seek Outside Legal Counsel When Investigating County Agencies

By Miranda S. Spivack
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Wednesday, September 16, 2009

Montgomery County Council member Valerie Ervin, worried that the county's independent inspector general might not be getting impartial legal advice, wants to allow the office to hire outside counsel.

Currently, the office of Inspector General Thomas J. Dagley, like most county agencies, is required to use lawyers from the office of County Attorney Leon Rodriguez. Rodriguez was appointed by County Executive Isiah Leggett (D).

The bill Ervin (D-Silver Spring) proposed Tuesday would allow the inspector general to ask permission to hire outside counsel, especially when the inspector general "is going after the executive branch of government for fraud, waste and abuse," Ervin said.

Rodriguez said his office handles such conflicts by erecting figurative "walls between lawyers" or by brokering disputes internally. He did not take a position on the bill but said he supports finding "the best legal advice" for county agencies and the inspector general.

Montgomery is among a handful of area jurisdictions with independent inspectors general who examine government spending and contracting. In the federal government, inspectors general usually have their own legal counsel.

Ervin became interested in the issue as she watched Dagley's office try to manage several recent investigations in which she thought there was potential for a conflict among agencies.

Ervin pointed to an ongoing probe by the inspector general's office of police and fire department actions after then-Assistant Fire Chief Gregory J. Dehaven caused a four-car accident Nov. 30 while driving a fire department sport-utility vehicle. Fire department documents show that Dehaven had a blood alcohol level that exceeded the legal limit two hours after the accident. He was not arrested.

Dehaven was dismissed from the department and is appealing his dismissal.

A police investigation, whose findings have not been released but were described by Police Chief J. Thomas Manger, found no wrongdoing by officers at the scene. A fire department probe of the incident has not been made public by Fire Chief Richard J. Bowers Jr.

Two police officers involved in the case, Sgt. Ed Shropshire and Capt. Willie Parker-Loan, have sued the county to prevent disclosure of police information to the inspector general's office, saying the case involves confidential personnel matters.

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The county attorney's office represents the fire department, the police department and the inspector general in the case.

Ervin also pointed to the inspector general's probe of various Department of Health and Human Services contracts with nonprofit groups. Among them is Centro Familia, a county-funded, politically connected nonprofit group that trains in-home day-care providers and has a bilingual nursery school.

The county attorney represents both Health and Human Services and the inspector general's office and has handled complaints from Centro Familia about the probes and documents requested by the county.

"We want to see accountability. . . . We are getting a lot of complaints from the vendors," Leggett said at a meeting Tuesday with the County Council.

"They believe we are asking for too much."

Dagley said his office welcomes Ervin's bill, which backed by a majority of the council. Council President Phil Andrews (D-Gaithersburg-Rockville), council members Nancy Floreen (D-At Large), Michael Knapp (D-Upcounty) and Nancy Navarro (D-East County) are co-sponsors.

"The bill addresses one of the key underlying principles needed to ensure the independence" of inspectors general, Dagley said.

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